

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATE OF AMERICA

- against -

SANTOS ROBLES,

Defendant.

**ORDER**

14 Cr. 499 (PGG)

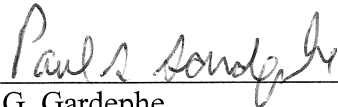
PAUL G. GARDEPHE, U.S.D.J.:

In Defendant Santos Robles’s motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), he argues that “under the developed law, if he was sentenced today, he would not be a career offender” under Section 4B1.1 of the Sentencing Guidelines. (Def. CR Reply (Dkt. No. 376) at 2) In a May 1, 2023 opposition brief, the Government argues that the Defendant “was properly designated as a career offender, due to his multiple prior convictions for selling drugs in violation of New York Penal Law § 220.39.” (Govt. CR Opp. (Dkt. No. 374) at 5 n.4) The Government has not briefed this issue in detail, however, and asks that if “the Court wish[es] to reach [this] ground[], the Government . . . [be given] the opportunity to submit further briefing.” (Id.)

The Government will make a submission by **November 27, 2024** addressing whether – under present law – the Defendant would qualify as a career offender under Section 4B1.1 of the Guidelines. The Government’s submission will address, inter alia, the Second Circuit’s decisions in United States v. Gibson, 55 F.4th 153 (2d Cir. 2022), adhered to on reh’g, 60 F.4th 720 (2d Cir. 2023), and United States v. Chaires, 88 F.4th 172 (2d Cir. 2023).

Dated: New York, New York  
November 13, 2024

SO ORDERED.

  
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Paul G. Gardephe  
United States District Judge